

## **REQUEST FOR RECONSIDERATION**

Reconsideration of the present application is respectfully requested.

Claims 1-14 are pending in the application.

In the Office Action, the Examiner maintained each of the rejections set forth in the previous Office Action dated March 29, 2006. Specifically, the Examiner rejected Claims 1 and 4-6 under 35 U.S.C. §103(a) as being unpatentable over JP2001-128113 to *Makishima* in view of U.S. Publication No. 2002/0013815 to *Obradovich et al.* (hereinafter *Obradovich*). The Examiner rejected Claims 2-3 under 35 U.S.C. §103(a) as being unpatentable over *Makishima* in view of *Obradovich* as applied to Claim 1, and further in view of U.S. Publication No. 2003/0012156 to *Fukuda*. The Examiner rejected Claims 11-14 under 35 U.S.C. §103(a) as being unpatentable over *Makishima* in view of *Obradovich* and *Fukuda*. The Examiner rejected Claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Makishima* in view of *Obradovich* as applied to Claim 6, and further in view of U.S. Publication No. 2003/00121682 to *Sellen et al.* (hereinafter *Sellen*).

As to the §103(a) rejection of Claims 1 and 4-6, Applicant respectfully traverses. The Examiner concedes that *Makishima* does not teach the method step of transmitting, in real time, image data generated by the image-processing unit to a remote storage device, which is recited in Claim 1. The Examiner cites *Obradovich* for teaching this recitation. It was previously argued herein by Applicant that paragraph [0082] of *Obradovich* cited by the Examiner, does not specifically teach this method step at issue. Instead, it was argued that in *Obradovich*, the images and audio data are synchronized in real-time, and are not disclosed as being transmitted in real-time.

In the Response to Arguments, the Examiner contended that the first 5 lines of paragraph [0082] clearly reads on the recitation at issue. Respectfully, Applicant cannot see how they do so. Specifically, these first 5 lines disclose that the digital camera can capture an image that can

be stored locally or transmitted to server for storage in a selected user profile, or for transmission over Internet. There is absolutely no utterance of transmitting, in real-time, image data generated by the image processing unit in these cited lines in *Obradovich*. It is respectfully asserted that it is impossible for Applicant, or any reader of *Obradovich* for that matter, to discern how the transmission of the image in *Obradovich* occurs. For all anyone knows, the image transmission in *Obradovich* could be delayed, or could even occur upon some user manipulation. There's simply no way to tell, because *Obradovich* makes no mention of how the transmission occurs therein. Accordingly, it is respectfully submitted that *Makishima* in view of *Obradovich* does not teach or fairly suggest each of the recitations in Claim 1, and that the Examiner has not established the requisite *prima facie* case of obviousness in this §103(a) rejection. Therefore, the combination of *Makishima* in view of *Obradovich* as cited by the Examiner does not render unpatentable Claims 1 and 4-6 under §103(a) scrutiny, and withdrawal of this rejection is respectfully requested.

As to the §103(a) rejection of Claims 2-3, it is respectfully asserted that the Examiner is incorrect for at least the reasons stated above, and further, since *Fukuda* does not cure the stated deficiencies of *Makishima* and *Obradovich*. Accordingly, withdrawal of this rejection of Claims 2-3 is respectfully requested.

As to the §103(a) rejection of Claims 11-14, Claim 11 sets forth a system for storing image data that includes a base station that transmits image data in real time from the mobile communication terminal to the file storage device. Contrary to the Examiner's assertion that *Obradovich* discloses transmitting in real time image data from the mobile communication terminal to the file storage device, it is respectfully submitted that this feature is not taught in *Obradovich* in view of at least the foregoing explanation with respect to the rejection of Claims 1 and 4-6. *Fukuda* does not cure this deficiency of *Makishima* and *Obradovich*. Accordingly, withdrawal of this rejection of Claims 11-14 is respectfully requested.

As to the §103(a) rejection of Claims 7-10, Applicant respectfully asserts that the Examiner is incorrect for at least the reasons stated above with regard to the rejection of Claims 1

and 4-6. *Sellen* does not cure the deficiencies of *Makishima* and *Obradovich*. Accordingly, withdrawal of this rejection of Claims 7-10 is respectfully requested.

Independent Claims 1 and 11 are believed to be in condition for allowance. Without conceding the patentability *per se* of dependent Claims 2-10 and 12-14, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-10 and 12-14 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-14, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

THE FARRELL LAW FIRM  
333 Earle Ovington Blvd., Suite 701  
Uniondale, New York 11553  
Tel: (516) 228-3565  
Fax: (516) 228-8475

PJF/RCC/dr